

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MICHAEL RYAN, et al.,

Plaintiffs,

v.

GENCOR NUTRIENTS, INC., et al.,

Defendants.

No. C 14-05682 JSW

**ORDER RE MOTION FOR
ENLARGEMENT OF TIME TO
ANSWER AND JOINDER
THEREIN**

On January 15, 2015, Defendants, General Nutrition Corporation, GNC Corporation, General Nutrition Centers, Inc., S&G Properties, LLC, Direct Digital, LLC, Force Factor LLC, Pharmafreak Holdings, Inc., Prevention, LLC, Gencor Nutrients, Inc., GE Nutrients, Inc., and Jith Verravalli filed a motion for enlargement of time to answer or otherwise respond to Plaintiffs' Complaint. (Docket No. 15.) On January 20, 2015, Defendant Dreambrands, Inc. joined in that motion. (Docket No. 25.) The Court shall refer to these Defendants collectively as the Moving Defendants.

The Moving Defendants ask for an extension of time to answer or otherwise respond to Plaintiffs' complaint, on the basis that they will be filing a motion to transfer this action to the United States District Court for the Central District of California. Accordingly, they ask the Court to grant them an extension of time to respond until at least thirty days after the Court has ruled on that motion.

Plaintiffs do not oppose Defendants' request in theory. However, Plaintiffs propose a stay of this action until after the Judicial Panel on Multi-District Litigation ("JPML") rules on Plaintiffs' pending motion to transfer an action filed in the United States District Court for the

1 District of Massachusetts to this Court and, in essence, ask that this Court defer ruling on
2 Defendants' forthcoming motion to transfer, in light of the motion pending before the JPML.

3 The Court GRANTS the request for an extension of time to respond as follows. The
4 shall not preclude Defendants from filing their motion to transfer, and they shall notice that
5 motion on an open and available date on this Court's calendar, in accordance with the Northern
6 District Civil Local Rules.

7 If Plaintiff seeks to stay this action pending a ruling from the JPML, Plaintiffs should
8 file a properly noticed motion seeking that relief, and they shall notice any such motion on an
9 open and available date on this Court's calendar, in accordance with the Northern District Civil
10 Local Rules.

11 The filing of each motion will trigger the briefing schedules on those motions. The
12 Defendants shall not be required to answer or otherwise respond until after those motions have
13 been resolved.

14 **IT IS SO ORDERED.**

15 Dated: January 21, 2015



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE